

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

The Applicant hereby voluntarily discloses the below-listed information to be considered by the Examiner and made of record in the present application. The information and relevance is as follows:

U.S. Patent No. 5,828,420, "Video Mix Program Guide," Marshall, et al. In contrast to the inventions recited by the claims of the present application, Marshall describes a system for mixing the comparative weight of a programming guide in relation to the basic programming signal over which it is superimposed. The user can select a "Video Mix" condition under the program guide display. After the "Video Mix" condition is selected, the user can set the percentage of video mixture between the programming guide in relation to the programming signal, which appears under a mix display. The user can then scroll through a series of mixing percentage ranging from "solid" to 100%.

A copy of the above-listed item is enclosed and listed on the enclosed Form PTO-1449. The disclosure does not constitute an admission that any of the materials are available as a reference, or a waiver of any rights that the Applicants may have under applicable statutes, rules or practice, or otherwise.

REMARKS

The Applicant and the undersigned attorney thank Examiner Huynh-Ba for his careful review of this patent application and helpful remarks. Reconsideration of the present application is respectfully requested in light of the above amendments to the application and in view of the following remarks. Prior to entry of this amendment, Claims 36-58 were pending in the application. Claims 36-67 will be pending after entry of the preceding amendment. Original Claims 36, 40, 48, and 53 and new Claim 59 are independent claims. Independent Claims 40, 48, and 53 and dependent Claims 41, 43, 47, and 51 have been amended to more particularly point out patentable aspects of the invention. Independent Claim 59 and dependent Claims 60-67 have been added to define further aspects of the invention.

Double Patenting Rejection

The Examiner has rejected claims 36-58 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Patent No. 5,623,613 and claims 1-37 of U.S. Patent No. 5,812,123. Although the Examiner has confirmed that the conflicting claims are not identical, the Examiner has also alleged that the application claims are not patentably distinct from the patent claims. In view of this rejection, Applicant will consider

filing a terminal disclaimer after the Examiner indicates that the claimed subject matter is allowable over the remaining prior art of record.

Section 103 Rejection

Although the Examiner has indicated in paragraph 4 of the Official Action (and confirmed in the telephonic interview) that the subject matter of Claims 36-39, 45-47, and 50-52 is patentably distinct from the prior art of record, the Examiner also has rejected claims 40-44, 48-49, 53-58 under 35 U.S.C. 103(a) as being obvious in view of Knee, et al., U.S. Patent No. 5,589,892.

Based on the above-referenced telephonic interview and paragraph 4 of the Official Action, Applicant's counsel understands that the Examiner has asserted that Knee teaches a first display (FIG. 6, items 61A, 62A, 63A and 64A), a second display (FIG. 6, 65A, 65B, 65C, and 65D), a viewing panel (FIG. 6, 61, 62, 63, 64), and an indicator (FIG. 6, Action [remote control] Key Display, *i.e.*, "cursor") provide an indication of the selection of items displayed in the viewing panel. The Examiner, however, also has admitted that Knee fails to teach that the viewing panel displays one item for each of the first and second groups of items associated with the first and second displays. Nevertheless, the Examiner has alleged that it would have been obvious to one of ordinary skill in the art, at the time the invention was made, *to implement the displaying of one item at a time in the viewing panel so as to conserve display space.*

Inventions of Amended Claims 40, 48, and 53 are Patentable Over the Knee Patent

Independent Claim 40

Independent Claim 40, as amended, requires an indicator operative for moving along the viewing panel to provide an indication of the selection of one of the items displayed by the viewing panel when the indicator is moved to a position proximate to one of the first display or the second display. In contrast, the Knee patent describes a graphical Active Key Display (AKD), shown in FIG. 6 as a pair of arrows and the text ENTER and described with respect to FIG. 18, to provide an indication to a user of the keys on a remote controller that are active for a particular mode of the program guide. (Col. 18, lines 40-51; FIGS. 6 & 18). Contrary to the Examiner's assertion that Knee shows a movable "cursor", Applicant respectfully submits that this reference fails to describe or teach an indicator that can be moved *only* along a viewing panel and proximate to either a first display or a second display because the AKD of Knee is fixed within the top central portion of the program guide. Indeed, the AKD of Knee is not positioned along any of the horizontal bars 61, 62, 63 or 64 ("alleged" viewing panel), as required by amended Claim 40

(FIGS. 6 & 18). Although the number and the direction of the arrows displayed by the AKD in Knee can change based upon the particular mode of the program guide, the position of the AKD does not vary within the program guide itself. (see representative examples in FIGS. 6, 7, 18 and 19). At best, Knee teaches the selection of a particular fixed item, such as an identifying window, within a fixed horizontal bar by offsetting its background window and changing the color of the window, rather than moving an indicator only along a viewing panel between first and second displays to provide an indication of the selection of one of the items displayed by the viewing panel. (Col. 18, lines 8-17). Changing the appearance of the window itself, in response to a user's selection of that window within the horizontal bar, is clearly distinguishable from moving an indicator along a viewing panel to travel between first and second displays.

Although FIG. 18 of Knee shows an "All Listings" mode program guide having a movable highlighted cursor 185, Applicant respectfully submits that this cursor is not movable *only* along a viewing panel to provide an indication of the selection of one of the items displayed by the viewing panel, as required by amended Claim 40. The cursor 185 in Knee is freely movable to any location on the program guide, based on the user's manipulation of direction arrow keys of the remote controller, rather than movable along a viewing panel to provide an indication of a selected items displayed by the viewing panel. (Fig. 18; Col. 18, line 65-Col. 19, line 7). Moving a cursor among all possible program selections, regardless of their location of the program guide, or to the bottom of the display screen to navigate guide pages, as described in Knee, is clearly different from the combination of the indicator and viewing panel defined by Claim 40.

Claim 40 also requires a viewing panel extending along and defining only a portion of each of the first display and the second display to display one item of each of the first items and second items of electronic information for viewing within the viewing panel. Contrary to the Examiner's assertion, as illustrated in FIG. 6 of Knee, the horizontal bar 61 (alleged "viewing panel") extends along and defines a portion of the first display allegedly formed by items 61A, 62A, 63A and 64A, while fully enclosing the second display allegedly formed by items 65A, 65B and 65C. By completely enclosing the items 65A, 65B and 63 C within the horizontal bar 61, Knee fails to describe or teach a viewing panel extending along and defining only a portion of the first and the second displays, as recited by amended Claim 40.

Applicant also respectfully traverses the Examiner's assertion that one of ordinary skill would have been motivated, at the time of the invention, to modify the teachings of Knee to develop a viewing panel that displays one item for each of the first and second items of electronic information. Although the Examiner has alleged that motivation for this modification of Knee is to conserve display space, Applicant submits that the viewing panel recited by amended Claim 40 is instead useful for focusing a user's attention on a particular item of each of the first and second

displays, namely those items displayed within the viewing panel. Moreover, Knee teaches away from conserving display space by enclosing all of the identifying windows 65A, B and C within the horizontal bar 61, thereby providing an indication of all possible TV Guide items available for selection in response to a user's manipulation of the arrow and ENTER keys of the remote controller. This patent explicitly teaches displaying multiple identifying windows alongside a selected identifying icon of a horizontal bar to support the display operations of a program guide. Consequently, Applicant respectfully submits that there is no suggestion in the art of record to modify the Knee reference in the manner asserted by the Examiner to achieve the invention of Claim 40.

In view of the foregoing, Applicant respectfully submits that the invention of amended Claim 40 is patentable over the Knee patent. Applicant requests that the Examiner withdraw the rejection of Claim 40 and all claims dependent therefrom.

Independent Claim 48

The remarks submitted above with respect to independent Claim 40 are equally applicable to show the patentability of the invention defined by Claim 48, as amended, in view of the Knee patent. Focusing on further distinctions between Knee and the invention of amended Claim 48, the recited method requires (1) scrolling a category display until a first category item appears within a viewing panel and (2) scrolling an information display until a first information item appears within the viewing panel. The category display is scrollable when an indicator, movable along the viewing panel, is positioned proximate to the category display. The information display is scrollable when the indicator is moved from the position on the viewing panel proximate to the category display and to a position proximate to the information display.

In contrast, Applicant submits that Knee teaches displaying multiple identifying windows (col. 17, lines 40-45) only when an associated identifying icon of a particular horizontal bar is selected in response to a user's operation of a remote controller device. (col. 17, lines 58-67; FIG. 6). For example, in Knee, when a first identifying icon (61A) is selected in a first horizontal bar (61), a descriptive text item "ON SCREEN" is replaced by multiple associated identifying windows (65A, B, and C), which are displayed next to the first identifying icon. (see FIGS. 6 & 7). Likewise, when the user selects another identifying icon (62A) in the next adjacent horizontal bar 62, all of the associated identifying windows for this second identifying icon appear within this second horizontal bar. The prior viewing windows 65A, B and C of the first horizontal bar 61 are no longer shown within the first horizontal bar; instead, these windows are replaced again with the descriptive text item. Thus, a display of identifying windows in the Knee program guide of FIG. 6 is dependent on the selection of a corresponding identifying icon,

whereas Claim 48, as amended, requires (1) moving an indicator to a position proximate to a particular display and (2) scrolling that display until a first item is displayed within a viewing panel.

Thus, there is a fundamental difference between the invention recited by amended Claim 48 and the system defined by Knee. Specifically, Knee teaches displaying multiple identifying windows next to a first identifying icon only after the first identifying icon is selected. In other words, the multiple identifying windows for a selected identifying icon are *continually* displayed in the Knee program guide by presenting these items within the horizontal bar for a selected identifying icon. This teaches away from any need for scrolling a display to view the possible items of a category or information display. The invention of amended Claim 48, on the other hand, requires (1) scrolling a category display until a first category item appears within a viewing panel and (2) scrolling an information display until a first information item appears within the viewing panel.

Moreover, the invention defined by amended Claim 48 produces advantages over the program guide described by Knee by allowing the user to conveniently scroll through the category items in the category display when the indicator is positioned proximate to the category display. Likewise, the information items are scrollable when the indicator is moved from the category display and placed proximate to the information display. Because the scrolling of each display is dependent upon the positioning of the indicator proximate to one of the two recited displays of Claim 48, the category display is independently scrollable from the information display. It is respectfully submitted that one of ordinary skill would not have found it obvious to modify program guide of Knee to include the independently scrollable displays of the Claim 48.

In view of the foregoing, Applicant respectfully submits that the invention of amended Claim 48 is patentable over the Knee patent. Applicant requests that the Examiner withdraw the rejection of Claim 48 and all claims dependent therefrom.

Independent Claim 53

Claim 53, as amended, recites a category display for displaying category tiles in response to scrolling the category tiles and an information display for scrolling information tiles in response to scrolling information tiles. An indicator, movable *only* along a viewing panel, provides an indication of the selection a category tile (information tile) within the viewing panel when the indicator is positioned proximate to the category display (information display). The category display is scrollable when the indicator is positioned proximate to the category display, whereas the information display is scrollable when the indicator is moved from a position proximate to the category display to a position proximate to the information display.

The remarks submitted above with respect to independent Claims 40 and 48 are equally applicable to show the patentability of the invention defined by Claim 53, as amended, in view of the Knee patent. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 53, as well as all claims dependent therefrom.

Dependent Claims 44-44 and 54-58 are Patentable Over the Knee Patent

Claim 41

Claim 41 requires highlighting the viewing panel defined by Claim 40 to emphasize each item of the first and second items of electronic information framed by the viewing panel. The Examiner has admitted that the Knee patent fails to describe or teach highlighting a viewing panel in the manner recited by Claim 41. Although the Examiner has suggested that one of ordinary skill, at the time of the invention, would have found highlighting the recited viewing panel to be an obvious improvement over highlighting “focus object,” the Examiner has failed to cite a teaching in the art of record to support this assertion. Applicant respectfully submits that the Examiner has not provided proper support for equating the recited viewing panel, which frames a pair of items for convenient viewing, to a focus object that provides an indication that a particular object of a user interface has “focus”. Consequently, it is respectfully requested that the Examiner withdraw this improper rejection for failure to present a prima facie case of obviousness.

Claims 42 and 44

Contrary to the Examiner’s assertion, the arrows of the AKD 184 in the Knee patent do not provide an indication of each direction that a movable indicator can be moved along a viewing panel, as recited by Claims 42 and 44. Instead, the number and the direction of arrows of the AKD 184, which is fixed in a position at the top central portion of the program guide, can vary to provide an indication of the direction arrow keys on a remote controller that are active for a selected mode of the program guide. (Col. 18, lines 41-51). In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 42 and 44.

Claim 43

Claim 43 requires the indicator of Claim 40 to be responsive to its placement along the viewing panel and proximate to the first display (second display) to provide an indication of each direction that the first (second) items of electronic information is scrollable within the first display (second display). For the reasons submitted above with respect to Claims 42 and 44, Applicant respectfully submits that the rejection of Claim 43 should be withdrawn.

Claims 54-58

Although the Examiner has rejected Claims 54-58 under Section 103, Applicant respectfully submits that the Examiner has failed to present a prima facie case of obviousness in support of these claim rejections. In the absence of any cited art to support the Examiner's position, it is respectfully submitted that the Examiner's unsupported remarks represent a mere hindsight view of the invention and lack proper support for a rejection of Claims 54-58. Applicant solicits the Examiner's withdrawal of this set of claim rejections.

New Claims 59-67

New independent claim 59 defines a method for retrieving and displaying electronic information comprising category items and information items, the category items presented within a category display and the information items presented within an information display. Scrolling the category display supports the display of a first category item within a viewing panel extending in a fixed position along and defining *only* a portion of the category display and the information display. This category display is scrollable *only* when an indicator is positioned proximate to the category display. By moving the indicator along the viewing panel to a position proximate to the information display, scrolling of the information display is enabled. Scrolling the information display supports the display of a first information item within the viewing panel, this first information item corresponding to the category for the first category item. The indicator provides an indication of each direction that the category display is scrollable when the indicator is positioned proximate to the category display and an indication of each direction that the information display is scrollable when the indicator is positioned proximate to the information display.

The indicator of new Claim 59 provides the user with a convenient feedback as to which display is selected for scrolling and indicates the directions available that the user may scroll the items in the viewing panel. For example, if the information display contains three items and the middle item is positioned in the viewing panel, the indicator will show both an upward and downward indication in which the items may be scrolled into the viewing panel. If the first, or top item, is positioned in the viewing panel, the indicator will only indicate that the items may be scrolled in a single direction. Similarly, if the last, or bottom item is positioned in the viewing panel, the indicator will only indicate that the items may be scrolled in an upward direction into the viewing panel.

Applicant respectfully submits that new Claim 59 is patentable over the cited art of record, and requests that the Examiner pass Claim 59, as well as new Claims 60-61 dependent therefrom, to allowance.

New Claims 62-64 define further aspects of the invention of Claim 40. Claim 65 defines an additional aspect of the invention of Claim 48. Claims 66-67 define further aspects of the invention of Claim 53. Applicant respectfully submits that these new claims are patentably distinct from the art of record, and request that the Examiner allow these claims over the art of record.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action mailed October 27, 1998. Applicant respectfully submits that the pending claims are patentably distinguishable from the art of record, and requests that the Examiner allow the pending claims. If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call the undersigned at (404) 818-3718.

Respectfully submitted,



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